



Office of the Director of
**Telecommunications
Regulation**

Dispute Resolution Determination

DISPUTE RESOLUTION DETERMINATION No. 01/01 Summary

Document No: ODTR 01/62

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Oifig an Stiúirthóra Rialála Teileachumarsáide

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Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a complaint by Esat (Esat Telecommunications & Ocean Communications) against *eircom* alleging discriminatory routing by *eircom* for Carrier Pre-Selection (CPS) calls.

On 13 February 2001 Esat submitted a complaint concerning the routing of CPS calls by *eircom*.

In its complaint Esat claim that *eircom* is unfairly discriminating against Esat with regard to its routing of many CPS calls made by Esat's customers. To support its claim Esat state that many of its CPS customers experienced difficulties when dialling local, national, international and mobile numbers. Customers in certain parts of the country have encountered a "fast busy" tone on dialling the first 3-5 digits of the number. Esat state that this implies that these calls are not even being presented to any of Esat's switches or to any of the interconnect routes. Esat allege that this is a result of discriminatory routing on *eircom*'s part which is a breach of its General Telecommunications Licence and the Interconnection Regulations.

In response to the above claim *eircom* categorically rejects the allegation made by Esat that it is unfairly discriminating against Esat in the routing of CPS calls. *Eircom* states that there are differences, based on different requirements, in how it routes originating CPS traffic and *eircom* customer originated traffic. *Eircom* states that it routes all CPS calls in a non-discriminatory manner based on the routing requirements of the CPS operator and that it is not in breach of its regulatory obligations.

In arriving at this determination, the Case Officer in accordance with the Dispute Resolution procedures has considered the comments received from both parties to the dispute.

The Case Officer has **not** found evidence arising from this dispute to support the allegation that *eircom* is in breach of its obligations under Condition 8, 12.1 and 23 of its General Telecommunications Licence or in breach of Regulation 7(1) and 7(4) of the Interconnection Regulations.

The Case Officer notes that as a result of the issues highlighted in this dispute, the CPS fault handling process is being examined and addressed at the CPS Industry Committee. The Case Officer is further informed that *eircom* are currently preparing a proposal for consideration and agreement by the forum to address *eircom*'s management of CPS customer-related faults. As part of this process, the Case Officer expects that provision is also made for the management and resolution of CPS network operator-related faults.

The Case Officer understands that as a result of the issues raised in this dispute, the issue of forecasting in the context of CPS is being discussed by the CPS Industry Committee.

The Case Officer believes that points of interconnection and network planning issues should be constructively discussed as part of general forecasting issues at the soon-to-be re-established O&M forum.

There are now approximately 160,000 customers both residential and business using Carrier Pre Selection (CPS). The ODTR is concerned that with growing volumes of CPS calls, the quality of CPS calls must be maintained.

Therefore, while there is insufficient evidence in this particular dispute to show that eircom is acting in a discriminatory manner in relation to routing of CPS calls, the Case Officer believes that the issues highlighted in this dispute and, general OLO dissatisfaction voiced with this Office regarding same in the last 6 months, require further investigation. In that context, the Director has decided to conduct an investigation into the call quality of CPS calls, particularly as this relates to transmission over the eircom network. Following the issue of this final determination the Director will take steps to initiate such an investigation and will contact all relevant parties in that regard.

This decision has been notified to the parties who have a right of appeal.